

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

In re:	)	MDL No. 1456
	)	Civil Action No. 01-12257-PBS
	)	
PHARMACEUTICAL INDUSTRY	)	Subcategory No. 06-11337
AVERAGE WHOLESALE PRICE	)	
LITIGATION	)	
	)	
THIS DOCUMENT RELATES TO:	)	
<i>United States of America ex rel. Ven-A-Care of</i>	)	Judge Patti B. Saris
<i>the Florida Keys, Inc., by and through its principal</i>	)	
<i>officers and directors, Zachary T. Bentley and</i>	)	
<i>T. Mark Jones v. Actavis Mid Atlantic LLC, et al.</i>	)	

**STIPULATION OF DISMISSAL WITH PREJUDICE OF CERTAIN CLAIMS AGAINST  
PAR PARTIES AND MOTION FOR ORDER OF DISMISSAL WITH PREJUDICE**

The above-captioned matter is an action brought under the *qui tam* provisions of the federal False Claims Act, 31 U.S.C. §§3729-3733, by Relator Ven-A-Care of the Florida Keys, Inc. (the “Relator”) against Par Pharmaceutical, Inc. and Par Pharmaceutical Companies, Inc. (together referred to herein as “Par”) (Par together with Relator collectively the “Parties”).

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the *qui tam* provisions of the federal False Claims Act, 31 U.S.C. § 3730(b)(1), and in accordance with, and as limited by, the terms of the Settlement Agreement and Release, the Parties hereby stipulate to the entry of an order dismissing all “Released Claims” for the “Covered Conduct” against Par (as the terms in quotations are defined in the Settlement Agreement and Release attached hereto as Exhibit A.)

The Parties further stipulate that, except as specified in the Settlement Agreement and Release, any claim the Relator or its counsel has to a Relator’s share or for expenses, attorneys’ fees, and costs shall not be the responsibility of Par.

WHEREFORE, to permit them to effectuate the terms of their partial settlement, pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the *qui tam* provisions of the federal False Claims Act, 31 U.S.C. § 3730(b)(1), the Parties respectfully request that the Court enter an order in the form attached hereto as Exhibit B.

Respectfully submitted,

/s/ Alison W. Simon  
ALISON W. SIMON, P.A.  
Alison W. Simon  
Florida Bar No. 0109568  
P. O. Box 430457  
Miami, FL 33243  
Phone: 305-663-2433  
Fax: 305-665-1508  
Counsel for Relator

JAMES J. BREEN  
The Breen Law Firm, P.A.  
5755 North Point Parkway, Suite 260  
Alpharetta, GA 30022  
Phone: (770) 740-0008  
Counsel for Relator

/s/ Paul Dueffert  
PAUL DUEFFERT  
Williams & Connolly LLP  
725 Twelfth Street, NW  
Washington, DC 20005  
(202) 434-5097  
Counsel for Par

Dated: August 26, 2011

**CERTIFICATE OF SERVICE**

I hereby certify that true and accurate copies of the foregoing document, filed this 26th day of August, 2011 via the Court's ECF system, will be sent electronically by the ECF system to the registered participants as identified on the Notice of Electronic Filing (NEF) and to be served on all counsel of record via electronic service pursuant to Paragraph 11 of Case management Order No 2 by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

/s/ Alison W. Simon  
ALISON W. SIMON